

## APPEAL NO. 010126

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 7, 2000, a hearing was held. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained an injury in the course and scope of her employment on \_\_\_\_\_; that the claimant timely notified her employer of the work-related injury pursuant to Section 409.001; and that the claimant had disability from October 30, 1999, through the date of the hearing. The appellant (carrier) appealed.

### DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant sustained an injury in the course and scope of her employment, that the claimant timely notified her employer of her injury, and that the claimant had disability for the time period found by the hearing officer.

The claimant testified that on \_\_\_\_\_, she was performing her job duties lifting boxes of merchandise off a pallet when boxes fell on her and she slipped in water on the floor and fell, injuring her back. The claimant said that on \_\_\_\_\_ she immediately reported her work injury to LR, who is identified as a supervisor in a carrier's exhibit; that she believes that LR informed the store manager about the injury; and that EC, a management trainee, took her to the hospital on \_\_\_\_\_. The claimant testified that she has been unable to work since October 30, 1999, because of her work-related back injury.

The \_\_\_\_\_ hospital records noted that the claimant was lifting a box at work when she had a sudden onset of back pain. The doctor at the hospital diagnosed the claimant as having a back sprain. Dr. B, who saw the claimant in March 2000, noted the claimant's history of having fallen at work on \_\_\_\_\_, while lifting boxes and diagnosed thoracic and lumbar sprains. Dr. S, the claimant's current treating doctor, testified that the claimant's back injury probably occurred when she fell at work. Dr. S reported that he is treating the claimant for her work-related injury of \_\_\_\_\_, and that the claimant has been unable to work. EC testified that LR only told him that the claimant was complaining of cramping and that he did not observe the claimant taking boxes off a pallet.

The hearing officer found that on \_\_\_\_\_, the claimant sustained an injury in the course and scope of her employment when she fell while removing merchandise from a pallet; that on \_\_\_\_\_, the claimant notified a person in a supervisory or management position with the employer that she had been injured at work; and that due to the claimed injury, the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage from October 30, 1999, through the date of the hearing. The hearing officer concluded that the claimant sustained an injury in the course and scope of her employment on \_\_\_\_\_; that the claimant timely notified her employer of her work-related injury

pursuant to Section 409.001; that the carrier is not relieved of liability under Section 409.002; and that the claimant had disability from October 30, 1999, through the date of the hearing. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Susan M. Kelley  
Appeals Judge

---

Philip F. O'Neill  
Appeals Judge